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FISCAL IMPACT STATEMENT

LS 7459

BILL NUMBER: HB 1446

NOTE PREPARED: Jan 11, 2013

BILL AMENDED:

SUBJECT: Redistricting Commission.

FIRST AUTHOR: Rep. Moed

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: *Redistricting Commission*- The bill establishes a Redistricting Commission (RC) to create, hold hearings on, take public comment about, and recommend plans to redraw General Assembly (GA) districts and Congressional districts.

Commission Staff and Administrative Services- The bill requires the Legislative Services Agency (LSA) to provide staff and administrative services to the RC. The bill establishes standards to govern the RC and the LSA in the creation of redistricting plans.

General Assembly Action- The bill provides that if the Constitution of the State of Indiana does not require the GA to establish legislative districts, the RC's recommendations for legislative and Congressional districts become the plans that define those districts. The bill provides that, if the Constitution of the State of Indiana so requires, the GA must meet and enact redistricting plans before October 1 of a redistricting year. The bill authorizes the GA to convene in a session to act on redistricting bills at times other than the times the GA is currently authorized to meet.

Appropriation and Repealer- The bill repeals the current law establishing an RC for Congressional redistricting. The bill appropriates from the state General Fund the amounts necessary to pay the expenses of implementing the statute.

Effective Date: July 1, 2013.

Explanation of State Expenditures: *Redistricting Commission*- The proposed RC would have four members

appointed by the President Pro Tempore of the Senate, Speaker of the House, Senate Minority Leader, and House Minority Leader. By September 1 of a census year, 25 candidates would be selected and certified from a pool of applicants by the Judicial Nominating Commission (JNC). The appointing authorities would then select the RC members from the certified list prepared by the JNC.

The four members appointed by the President Pro Tempore, Speaker of the House, Senate Minority Leader, and House Minority Leader must appoint a fifth member as the RC chairperson from a list prepared by the JNC. If a consensus is not reached on the appointment of the fifth member, the Chief Justice of the Indiana Supreme Court would appoint the fifth member.

RC members would be required, during a redistricting year, to hold at least one public hearing in the northern, southern, and central regions of Indiana. By August 1 of a redistricting year, the RC would adopt and submit a redistricting plan for the consideration of the General Assembly. RC members would be eligible to receive the same per diem and mileage reimbursement for their service as an interim study committee established by the Legislative Council.

Commission Staff and Administration- LSA would staff the RC meetings. LSA would also produce maps, map descriptions, and receive and evaluate publicly submitted maps and comments on the RC's behalf. The LSA would be able to carry out these provisions within the agency's existing level of resources, if the current year were a redistricting year. However, the effect of this provision on LSA expenditures would depend on the agency's budgetary needs in redistricting years for the proposed RC. The next redistricting year will be 2021.

General Assembly Action- In a redistricting year, the General Assembly would meet to consider the RC's redistricting plan recommendation and enact legislation before October 1. Given the dates in the bill for RC action, a special session would likely be required to consider the RC's recommendation. The following table presents a cost estimate for a six-day special session. However, since the bill does not specify the length of a special session, the actual cost would depend on future legislative action.

| Estimated Costs for a Six-Day Special Session | |
|--|-------------------------|
| Legislators (150 total) | Six Session Days |
| Per Diem* | \$82,080 |
| Travel** | \$15,754 |
| Total*** | \$97,834 |
| <p>* Effective 10/1/11, legislators receive \$152 per diem for every day in session (including Saturday and Sunday) and \$60.80 per diem for every day not in session. These rates have not changed as of 10/1/2012. The net effect on expenditures is an additional \$91.20 per diem for every day in session.</p> <p>** Legislators are entitled to mileage for one round trip per week while in session.</p> <p>*** The House and Senate would also incur an unknown minor amount of expense for temporary session staff (doorkeepers and other temporary staff).</p> | |

Penalty Provision: The information an individual supplies on an application to the JNC for appointment to the RC would be supplied under penalties for perjury that the information on the application is true. Under current

statute, perjury is a Class D felony.

A Class D felony is punishable by a prison term ranging from six months to three years or reduction to a Class A misdemeanor depending upon mitigating and aggravating circumstances. Assuming offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$3,234 annually, or \$8.86 daily, per prisoner. However, any additional expenditures are likely to be small. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

Explanation of State Revenues: *Penalty Provision:* If additional court cases occur and fines are collected, revenue to both the Common School Fund (from criminal fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class D felony is \$10,000. However, any additional revenues would likely be small.

Explanation of Local Expenditures: *Penalty Provision:* If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. However, any additional expenditures would likely be small.

Explanation of Local Revenues: *Penalty Provision:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, the amounts would likely be small.

State Agencies Affected: Legislative Services Agency; Judicial Nominating Commission.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: *Indiana House and Senate Journals Index, 2012 Regular Session.*

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